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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention
of Discrimination and
Protection of Minorities
Forty-third session
Agenda item 4

REVIEW OF FURTHER DEVELOPMENTS IN THE FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN CONCERNED

Written statement submitted by Human Rights Advocates, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[27 August 1991]

SOVEREIGNTY AND TERRITORIAL CONFLICTS WITHIN THE MULTINATIONAL FEDERATED STATES OF YUGOSLAVIA AND THE USSR

1. The deliberations during the forty-third session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities regarding the sovereignty and territorial conflicts (nationalities conflicts) within the multinational federated States of Yugoslavia and USSR merit some comments. In both States, the conflicts aggravated while the Sub-Commission was in session.

2. The increasingly violent nationalities conflicts in Yugoslavia and the human rights consequences thereof were not examined by the Sub-Commission, except that some references were made to the continuing human rights violations in Kosovo.

3. On the other hand, the situation in the USSR, including the failed coup d'état as well as the conflicts in the Baltic and Trans-Caucasus republics, merited more attention from the Sub-Commission. However, the Sub-Commission's deliberations in the case of the USSR raise some concerns, in particular: during the past three years, the Sub-Commission disregarded early warning signs and the human rights consequences of the use of military force to resolve nationalities conflicts in the Trans-Caucasus republics and elsewhere in the USSR; during the present session, the Sub-Commission discussed the coup d'état attempt on the eve of signing a new Union Treaty but did not consider the underlying causes - the nationalities conflicts. Sub-Commission members expressed concern about acts of violence which occurred at customs posts in the Baltic States, yet disregarded grave violations of human rights and humanitarian laws committed, in part, by the same authorities in other regions of the Union; the Sub-Commission hailed the lifting of state of emergency measures imposed by the coup d'état leaders but disregarded the discriminatory application of state of emergency measures still in effect in the Trans-Caucasus republics.

4. Bearing in mind the rapid development of the nationalities conflicts in the USSR and Yugoslavia as well as the secession of some of the constituting republics, the Sub-Commission could consider the following measures:

(a) Call upon all parties concerned to ensure respect for human rights and to take necessary measures to resolve conflicts without the use of force and instead to rely on dialogue, negotiation and mediation, in cooperation with the United Nations;

(b) Appeal to relevant authorities to respect fully the linguistic, cultural and religious rights of minorities within their territories;

(c) Appeal further to relevant authorities to ensure the non-discriminatory application of still remaining state of emergency decrees and to reinstate civilian authorities in those territories at the earliest possible opportunity;

(d) Urge all parties to respect fully the laws of armed conflict, and especially to end the forced transfer of populations;

(e) Request the Centre for Human Rights to make available advisory services to all relevant authorities to improve human rights conditions; and

(f) Invite the thematic Special Rapporteurs and the working groups to consider the relationship between conflicts within multinational federated States and the violations within their respective mandates.

5. In addition, the observation made in paragraph 12 of document E/CN.4/1991/NGO/44 of 20 February 1991 could provide a framework for future discussion of nationalities conflicts in the USSR as well as Yugoslavia:

> "[S]elf-determination, the root cause of nationalities conflicts, and the sovereignty issues of the republics will have to be addressed

while at the same time maintaining protection of human rights - the other side of the same coin. To this end, it would be advantageous to provide for separate United Nations membership for all Soviet Republics (as...in the case of the Ukrainian SSR and the Byelorussian SSR). This could provide the international community with direct access to monitoring human rights within the Republics, as well as providing the Republics with access to United Nations procedures for resolution of nationalities conflicts."